(b) and (c) The reference is apparently to the provisions in the disciplinary for Central Government employees. As IDPL has its own Conduct, Discipline and Appeal Rules, the rules as applicable to the Central Government employyes, are not applicable to employees of IDPL. Rule 32(2)(a) of the CCS (Leave Rules), 1972 is not applicable in the case of unauthorised absence from duty.

(d) Disciplinary proceedings against the concerned employees were completed or concluded or extinguished as the case may be.

(e) Leave is not a matter of right. It is a privilege subject to sanction by the competent authority. Leave is treated as sanctioned upon issuance of an Officer Order to that effect. When an employee is informed that leave has not been sanctioned, it is leave refused. This is the standard procedure followed in IDPL.

Refusal to supply the copy of IDPL rules

1911. SHRI ASHIS SEN: Will the PRIME MINISTER be pleased to refer to reply to the Unstarred Question 4598 given in the Rajya Sabha on the 20th August, 1992 and state:

(a) whether it is a fact that the IDPL management refused to supply the copy of the IDPL Rules (CDA) to the charged employees when they demanded for it before replying to their charge sheets, if so, the reasons therefor;

(b) whether it is a fact that the company deliberately appointed the wrong disciplinary authority in order to gain time so that new impunged rule 30-A should be incorporated in the rules books for summarily proceedings with the reasons therefor;

(c) whether it is a fact that despite contemplated the disciplinary proceedings the management denied even the subsistence allowances as per rule 20 of IDPL, CDA Rules and forced them to face the enquiry without it, if so, the reasons thereof; and

(d) whether IDPL was avoiding conducting enquiries under rule 25 of IDPL, CDA against the said employees, if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) The employees referred to is a former Marketing Executive of IDPL. In the matter of such employees, the management of the company is the authority competent to take a decision. As reported by IDPL, it is not correct that the management refused to supply a copy of the Conduct, Discipline and Appeal Rules to the said former Marketing Executive.

(b) No, Sir.

(c) The said former Marketing Executive was on unauthorised absence. He was not placed under suspension. He was not entitled to any subsistence allowance.

(d) This is not correct the said employee himself was adopting dilatory tactics to prolong proceedings under Rule 25.

Unauthorised absence from duty

1912. SHRI M. A. BABY: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 4598 given in the Rajya Sabha on 20th August, 1992 and state:

(a) whether disciplinary procedure in case of unauthorised absence from duty for four days and less than 30 days under Rule 25 of IDPL, CDA Rules was applied on the employees, against whom disciplinary proceedings were instituted:

(b) whether under Rule 20 of IDPL, CDA Rules the employees against whom disciplinory proceedings were pending of contemplated for unauthorised absence, were suspended or not, together with the reasons therefor:

(c) whether it is a fact that the employees were denied all allowances even the subsistence, with the reasons therefor; and

(d) the details of charges listed in the show cause notice of 1st June, 1990 and those listed in the charge-sheet of dated 21st May, 1990?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) Employees referred to ing Executive and one former Medical ing Executive and one former Medical Representative of IDPL. The authority take a decision in respect of such employees is the management of the company. These two employees were charge-sheeted In November/December, 1989 respectively under Rule 25 of IDPL Conduct, Discipline and Appeal Rules.

(b) Suspension is not an automatic and mechanical process. The attendant circumstances, gravity of the charge and such relevant factors whether the employees concerned are likely to temper with documents, evidence or influence witnesses and others, are also looked into.

(c) The said two employees were not placed under suspension. They were on unauthorised absence from duty. They were not entitled to any substitence allowance or leave salary.

(d) The sole charge listed in the show cause notice dated 1.6.90 was unauthorised absence from duty for more than 30 days. In the charge-sheet dated 21.5.90, the charges were unauthorised absence from 12.3.89 and use of intemperate language, smacking of insubordination on the part of the former Marketing Executive of IDPL.

Inquiry conducted by the Director

1913. SHRIMATI KAMLA SINHA: Will the PRIME MINISTER be pleased to refer to the reply given to the Unstarred Question No 226c dated 30th July, 1992 and 4622 dated 20th August, 1992 and state:

(a) whether it is a fact that prior to the transfer, the marketing executive was condemned on consideration by the then Director (Mktg.) and was affirmed by him and are available on records, if so, what are the reasons therefor;

(b) whether an enquiry was entrusted on the charges of the Director (Mkt,.) against the said employee by the then Executive Director (V) with reasons therefor;

(c) if so, what was the outcome of the enquiry;

(d) whether the charges were proved or not, if so, the reasons therefor; and

(e) whether it is a fact that the said marketing executive was sanctioned leave up to 31st May, 1989?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) No, Sir.

(b) to (d) Some investigations were made and there was no prima facie case for any action. It was not necessary to reveal the details of the investigations to the official.

(e) No, Sir.

Safeguards provided in IDPL Rules

1914. SHRIMATI SARALA MAHESHWARI: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that the Law Ministry has given their opinion on the validity of the newly introduced rule 30+1 A of IDPL to the Ministry of Chemicals;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) what is the rule 30 of IDPL, CDA Rules, the details thereof; and

(e) what safeguards are provided in rule 30-A for the employees, with reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) to (c) The advice of the Law Ministry is awaited.